



RECEIVED GAU 1502

DEC 16 1997

CASE 47-19658/A

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Angela Koehler  
Type or print name

Angela F. Koehler  
Signature

12/8/97  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Art Unit: 1502

BRUGGER ET AL.

Examiner: R. Bawa

APPLICATION NO: 08/288,415

FILED: AUGUST 9, 1994

FOR: AN AEROSOL CONTAINER AND A METHOD FOR STORAGE AND ADMINISTRATION OF A PRE-DETERMINED AMOUNT OF A PHARMACEUTICALLY ACTIVE AEROSOL

*13/Reg for Recons*

*Betz  
1-8-98  
Betz  
1/1/98*

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Response Under 37 C.F.R. 1.111**

Sir:

This response is filed in reply to the office action mailed on September 15, 1997. Claims 2-15 are pending in the application. Claims 2-15 stand rejected under 35 U.S.C. 103.

**REMARKS**

Claims 2-15 stand rejected under 35 U.S.C. 103 as being unpatentable over Gennaro, in view of Stetz et al. Applicants respectfully traverse the rejection and request reconsideration of the application.

**The Invention**

Applicants claim an aerosol container system which is used to meter and administer pharmaceutically active aerosols supplied in the form of a suspension, the suspension which includes a pharmaceutically active agent (PAA) and a propellant gas which is free of fluorochlorohydrocarbons and which comprises "alternative propellant gases", such as fluorohydrocarbons. The container comprises a container wall, the inner portion of said container